

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

FILED/ACCEPTED
APR 17 2007

Federal Communications Commission
Office of the Secretary

In the Matter of)
)
Amendment of Section 73.202(b),) MB Docket No. 05-243
FM Table of Allotments)
For FM Broadcast Stations)
(Meeteetse, Wyoming))

To: Office of the Secretary
to forward to Audio Division, Media Bureau

**REQUEST FOR
EXERCISE OF COMMISSION STAFF DISCRETION
IN MB DOCKET NO. 05-243**

Citicasters Licenses, L.P. ("Citicasters"), the licensee of Salt Lake City, Utah area radio stations, including KOSY-FM, Spanish Fork, Utah, KXRV(FM), Centerville, Utah, KBUL-FM, Salt Lake, City, Utah, and KJMY(FM), Bountiful, Utah, by its attorneys, hereby respectfully requests that the Commission exercise its discretion by acting on the original proposal in this docket for amendment of the FM Table of Allotments, that is, the appropriate channel for the Meeteetse, Wyoming, vacant allotment, and dismissing the no longer mutually-exclusive counterproposals, which if feasible, may be submitted under the Commission's new community of license/channel change procedures. 1/

1/ As opposed to being reply comments on the Counterproposals, this submission requests that the Commission staff exercise its discretion in dismissing all the Counterproposals in this docket. Nevertheless, to the extent this submission might be deemed reply comments in this docket, it is timely filed pursuant to Public Notice, Report No. 2811 (Apr. 2, 2007) (15 days for reply comments). As discussed *infra*, confusingly, there were two other Public Notices in this same docket issued on March 28, 2007. Given the inter-related issues relating to all three Counterproposals, the Commission should accept as timely any submission filed within the time frame of any of the Public Notices; to the extent necessary, leave is requested for the filing of this submission. Moreover, as discussed *infra*, the unduly short time frame for comments in this proceeding may serve as one of the

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In a *Notice of Proposed Rulemaking* released July 29, 2005, 2/ the Audio Division sought comment on the proposed substitution of Channel 259C for vacant Channel 273C at Meeteetse, Wyoming, because the allotment of Channel 273C at Meeteetse was not in compliance with the minimum distance separation requirements of Section 73.207(b) of the Commission's rules. A comment date was set for nearly two months later, September 19, 2005.

On the comment date, the same counsel at one law firm, supported by the same consulting engineer, filed three different, highly-complex, multi-station, multi-allotment Counterproposals. One, was a Counterproposal submitted on behalf of four related parties – Millcreek Broadcasting, LLC, Simmons SLC-LS, LLC, 3 Point Media-Coalville, LLC, and College Creek Broadcasting, LLC – which suggested Channel 288C (or other available channels) as a replacement channel for Meeteetse, plus *twenty-five* changes to the FM Table of Allotments (the “2.5-Part Counterproposal”). Two, was a Counterproposal submitted on behalf of the same four parties, plus 3 Point Media-Delta, LLC, an affiliate of the four parties, 3/ which also suggested Channel 288C or other non-mutually exclusive channel replacements for Meeteetse **plus twenty-two** changes to the FM Table of Allotments (the “22-Part Counterproposal”). Three, was a Counterproposal submitted by the same counsel on behalf of two licensees, related to each other, but apparently with different ownership from the first two groups, which likewise proffered Channel 288C or other vacant

grounds for exercise of discretion to dismiss the Counterproposals. Any re-filing consistent with Commission rules would be subject to a minimum ~~of~~ **30** days and up to **60** days for comment, and given the complexity of the requests, far more appropriate than the provided 15 days. It is also noted, as conceded by counsel for the proponents of the Counterproposals, that each of the Public Notices on the Counterproposals contained errors, which alone warrants re-issuance and re-triggering of comment periods.

2/ 20 FCC Rcd 12967 (MMH 2005) (“*Meeteetse NPRM*”)

3/ Per the ownership reports on file, all five entities have the same two co-managers.

channels as a substitute channel at Meeteetse, and countered with a proposal for *eight* changes to the FM Table of Allotments (the “8-Part Counterproposal” and collectively with the 25-Part Counterproposal and the 22-Part Counterproposal, the “Counterproposals”). Each of the Counterproposals would require orders to show cause *to* non-participating licensees, including, in connection with the 25-Part Counterproposal, involuntary channel changes to Citicasters stations KOSY-FM and KXRV(FM). And with the proposed channel substitution at Meeteetse, each of the Counterproposals would not be mutually exclusive with the Meeteetse allotment that is central to MB Docket No. 05-243. Even further, via amendments to their Counterproposals, the proponents each stated *to* the Commission that their respective Counterproposals were no longer mutually exclusive with the *Meeteetse NPRM* proposal to substitute Channel 259C at Meeteetse.

Before any counterproposals were submitted in this docket, on June 14, 2005, the Commission issued a *Notice of Proposed Rulemaking* in MB Docket 05-210, ^{4/} wherein the Commission notified parties that “we tentatively conclude that the total number ~~of~~ allotment proposals that may be set forth by a party in a given petition to amend the [FM] Table [of Allotments] should be limited to five, unless the ~~proponent(s)~~ or counter-proponent(s) can demonstrate special factors involving significant public interest benefits.” ^{5/} The Commission observed that “[l]arge proposals and counterproposals .. demand enormous amounts of staff time, as the staff attempts to untangle Gordian knots of interconnected proposals.” ^{6/}

^{4/} *Revision of Procedures Governing Amendments to FM Table of Allotments and Changes of Community of License in the Radio Broadcast Services*, 20 FCC Rcd 11169 (2005).

^{5/} *Id.* at ¶ 37.

^{6/} *Id.* at ¶ 35.

In its Report *and* Order implementing reforms to the procedures for FM Table of Allotment changes, ^{7/} while not adopting an across-the-board ban, the Commission instructed its staff “carefully to review all proposals of five or more changes to the Table of Allotments. ... The staff may, in its discretion, break such proceedings into smaller ones, return those proposals or counterproposals that do not require changes to vacant allotments and may be filed as minor modification applications, or in extreme cases return proposals or counterproposals in their entirety.” ^{8/}

This is such an “extreme case” warranting exercise of Commission discretion returning the Counterproposals in their entirety. Indeed, this proceeding could serve as the poster child for excessively complex, interconnected, and worst yet, multiple and inconsistent, counterproposals, that no longer bear any relationship to the allotment originally considered in the notice of proposed rule making.

Not only would the resources of the FCC staff be drained in vetting a total of *fifty-five* changes proposed in this docket, but it is unfair to interested parties to have only the fifteen days set forth in the respective Public Notices to review and comment, both legally and technically, on over 500 pages of counterproposals, amendments to counterproposals and errata. ^{9/} Rather than give interested parties at least thirty days from public notice, which would be provided pursuant to 47 C.F. R. Section 1.405(b) for comments on petitions for

^{7/} Revision of Procedures Governing Amendments to *FM Table of Allotments* and Changes of Community of License in the Radio Broadcast Services, 21 FCC Rcd 14212 (2006) (“Report and Order”).

^{8/} Id. at ¶ 25.

^{9/} To make matters worst, at least one of the Counterproposals in the docket was not replicated in its entirety on the FCC’s Electronic Comment Filing System (“ECFS”); that is, while the “Contents for Engineering” to the “Engineering Statement in Support of a Counterproposal” filed with the 22-Part Counterproposal states that Exhibit E consists of Figures 1 through 53, the figures available on ECFS are only Figures 1 through 35.

rulemaking, the Public Notices provided here for the fifteen days reserved for replies, notwithstanding that the Counterproposals were infinitely more complex than the single matter raised in the docket's *NPRM*. Under the new procedures adopted in the *Report and Order*, for community changes filed via minor modification application, parties are given at least sixty days (from *Federal Register* notice) in which to comment. To make matters worse, here, two of the Counterproposals were placed on Public Notice on one day, 10/ while the other came five days later 11/ – and none of the Public Notices cross-referenced the others.

Nor do the Counterproposals need to be addressed in MB Docket No. 05-243 in order to conclude the *Meeteetse NPRM* proceeding. **All** the commenting parties are in agreement that the sole issue in the *Meeteetse NPRM* – a substitute channel for Meeteetse – is resolved by substitution of Channel 288C, or a plethora of other available channels. Moreover, as noted above, the Counterproposals were amended to obviate the mutually exclusivity with the proposed Channel 259C at Meeteetse. Thus bifurcation of the Meeteetse channel issue from the Counterproposals will allow MB Docket No. 05-243 to be promptly and simply resolved – either the Commission can allot Channel 259C at Meeteetse or select another of the non-mutually exclusive, technically available channels from those proffered.

With such bifurcation, the Counterproposals, which were all filed after the Commission tentatively stated it would bar such complex proposals, would be dismissed and if re-submitted, would be subject to the improved processing procedures adopted in the *Report and Order*.

10/ See Public Notice, Report No. 2808 (~~Mar~~ 28, 2007); Public Notice, Report No. 2809 (Mar. 28, 2007).

11/ See Public Notice, Report No. 2811 (Apr. 2, 2007).

Among those improved procedures are subjecting such proposals to the existing processing rules that apply to construction permit applications, such as the contingent application rule (limit of four contingent applications), 12/ inconsistent or conflicting applications rule 13/ and multiple applications rule. 14/ Clearly under those rules, one party cannot put into play two different proposals to modify differing sets of licenses and allotments, as is being attempted here.

Moreover, we do not have here a case “involving significant public interest benefits.” An engineering review undertaken of the 22-Part Counterproposal is illustrative. Rather than resulting in overall public service benefits as claimed, when vacant allotments are discounted 15/ and service from existing stations and issued construction permits are compared to the Counterproposal, the 22-Part Counterproposal would result in a significant net increase in nighttime aural unserved (“white area”) and underserved (“gray area”) population. 16/ Specifically, the 22-Part Counterproposal would result in a net increase in population of 121 that would have no nighttime aural service available and a net increase in population of 739 that would receive only one nighttime aural service. 17/

121 47 C.F.R. Section 73.3517

131 47 C.F.R. Section 73.3518.

14/ 47 C.F.R. Section 73.3520

15/ See *Eldorado, Mason, Mertzon and Fort Stockton, Texas*, Report and Order, 21 FCC Red 3572 (MMB 2006), *aff'd*, Memorandum Opinion and Order, DA 07-61 (MMB rel. Jan. 12, 2007) (“*Eldorado*”). The Bureau explained in *Eldorado*: “We recognized that there were vacant channels that would eventually serve this ‘gray’ area. However, consistent with *Pacific Broadcasting of Missouri, LLC* . . . and *Sells, Arizona*, we stated that vacant allotments cannot be used to avoid the loss of either a first or second reception service.” *Id* at ¶ 3 (citing to *Pacific Broadcasting of Missouri, LLC*, Memorandum Opinion and Order, 18 FCC Rcd 2291 (2003), *recon. denied*, Memorandum Opinion and Order, 19 FCC Rcd 10950 (2004); *Sells, Arizona*, Report and Order, 19 FCC Rcd 22459 (MB 2004), *recon. pending*).

161 See attached Technical Statement.

17/ *Id*

In sum, the Commission has expressly reserved the discretion for the staff to dismiss in their entirety unduly complex proposals and counterproposals to amend the FM Table of Allotments. Here, the Counterproposals not only would stretch to the breaking point the Audio Division's resources, but third parties have not been given adequate time, nor proper and complete notice, by which to formulate substantive comments. Now that the Commission has implemented new processing procedures, which include an improved process for public comments and subjecting proposals to application filing restrictions, and given that the Counterproposals are no longer mutually exclusive to the channel substitution for Meeteetse proposed in the *Meeteetse NPRM*, or with other suggested substitutions, the Commission should exercise its discretion to bifurcate the Meeteetse channel matter from the Counterproposals and dismiss the Counterproposals in their entirety

Respectfully submitted,

CITICASTERS LICENSES, L.P.

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April 17, 2007

TECHNICAL STATEMENT
MB DOCKET 05-243
CITICASTERS LICENSES, L.P

This Technical Statement was prepared on behalf of Citicasters Licenses L.P. in support of its submission in MB Docket No. 05-243. This Technical Statement relates to the Counterproposal jointly filed by five parties: Millcreek Broadcasting, LLC; Simmons SLC-LP, LLC; 3 Point Media – Coalville, LLC; 3 Point Media – Delta, LLC; and; College Creek Broadcasting, LLC. The FCC *Public Notice* in regard to this counterproposal was issued by the FCC on April 2, 2007 in FCC Report No. 2811.[†] This statement demonstrates that the proposal would result in a significant net increase in nighttime aural unserved and underserved population.

A detailed analysis of the Counterproposal was conducted to determine the net effect on other nighttime aural services. To conduct the study, all licensed and construction permit FM broadcast stations that would provide predicted 60 dBu service in the region of the Counterproposal were considered. The nighttime interference free limits were computed for all fulltime AM stations that would provide predicted service in the

[†]This proposal involves the following: substitution of Channel 252C for New FM Channel, 252C2 at Evanston, Wyoming; substitution of Channel 237C3 for Station KARB(FM), Channel 252C3 at Price, Utah; substitution of Channel 233C3 for New FM Station, Channel 237C3, Wellington, Utah; substitution of Channel 239C for vacant Channel 233C at Salina, ~~Utah~~, reallocation of Station KMGR(FM), Channel 240C1, Delta, Utah to Channel 240C0 at Randolph, Utah; substitution of Channel 260C3 for Station KLZX(FM), Channel 240A, Weston, Idaho; substitution of Channel 228C for Station KZDX(FM), Channel 260C, Burley, Idaho; substitution of Channel 230C for Station KZBQ(FM), Channel 229C, Pocatello, Idaho; reallocation of Station KITT(FM), Channel 261C2, Soda Springs, Idaho to Channel 260C3 at Wilson, WY; reallocation of Station KAOX(FM), Channel 297C1 from Kemmerer, Wyoming to Shelley, Idaho; reallocation of Station KCUA(FM), Channel 223C3, Naples, Utah to Channel 223C1 at Diamondville, WY; substitution of Channel 223A for Station KUUU(FM), Channel 223C2 at South Jordan, Utah; reallocation of Station KIFX(FM), Channel 253C2, Roosevelt, Utah to Channel 255C2 at Naples, Utah; substitution of Channel 255A for vacant Channel 255C3 at Fruita, Colorado; reallocation of Station KFMR(FM), Channel 239C1, Marbleton, WY to Channel 239C3 at Ballard, UT; allotment of

region of the Counterproposal and the respective nighttime interference free contours were considered. In keeping with FCC practice for evaluation of other aural services, vacant FM allotments were not considered, including those in the Counterproposal. All FM station contours were calculated based on uniform terrain assuming maximum facilities for the class of station.

Figures 1 through 4 are maps showing the predicted 0- and 1-nighttime aural service areas. As indicated on the maps, the 2000 Census population blocks within each of the subject areas are shown on the map for reference. The numerical results of the analysis are summarized in the following table:

Subject Area with Respect to Counterproposal	Area (sq. km)	Population (2000)
0 Nighttime Aural Service Eliminated	698.2	7
0 Nighttime Aural Service Created	809.7	129
Net 0 Nighttime Aural Service	+111.5	+121
1 Nighttime Aural Service Eliminated	1,879	966
1 Nighttime Aural Service Created	2,117	1,705
Net 1 Nighttime Aural Service	+238	+739

Channel 257C1 at Marbleton, Wyoming; the allotment of Channel 288C at Meeteetse, Wyoming; and, the substitution of Channel 300C1 for Station KQEO(FM), Channel 299C1, Idaho Falls, ID.

Figure 5 is a tabulation of all stations considered in the analysis of other nighttime aural services.

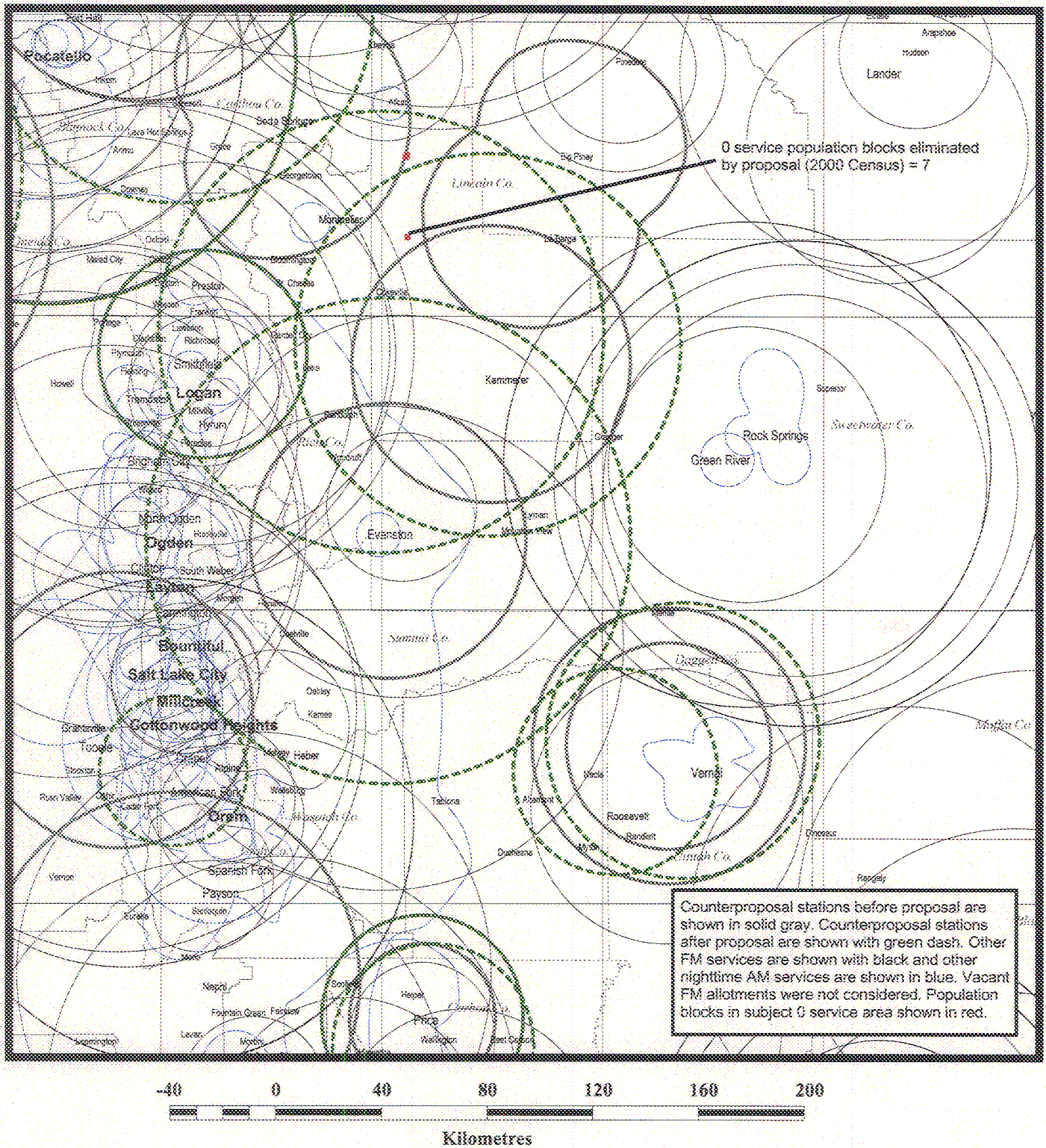


Louis R. du Treil, Jr.

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Sarasota, Florida 34237

April 17, 2007

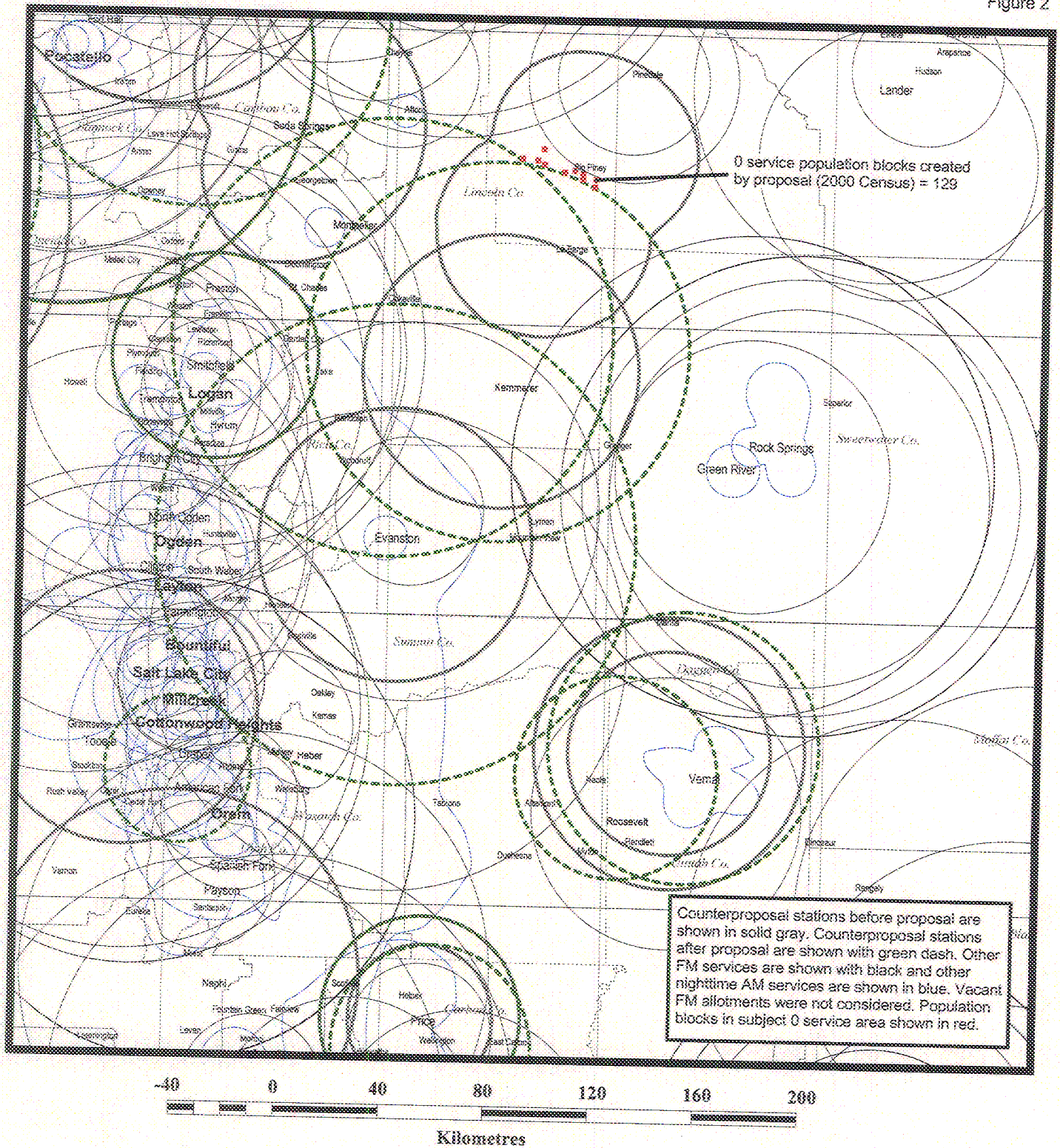
Figure 1



0 NIGHTTIME AURAL SERVICES BEFORE COUNTERPROPOSAL

duTreil, Lundin & Rackley, Inc. Sarasota, Florida

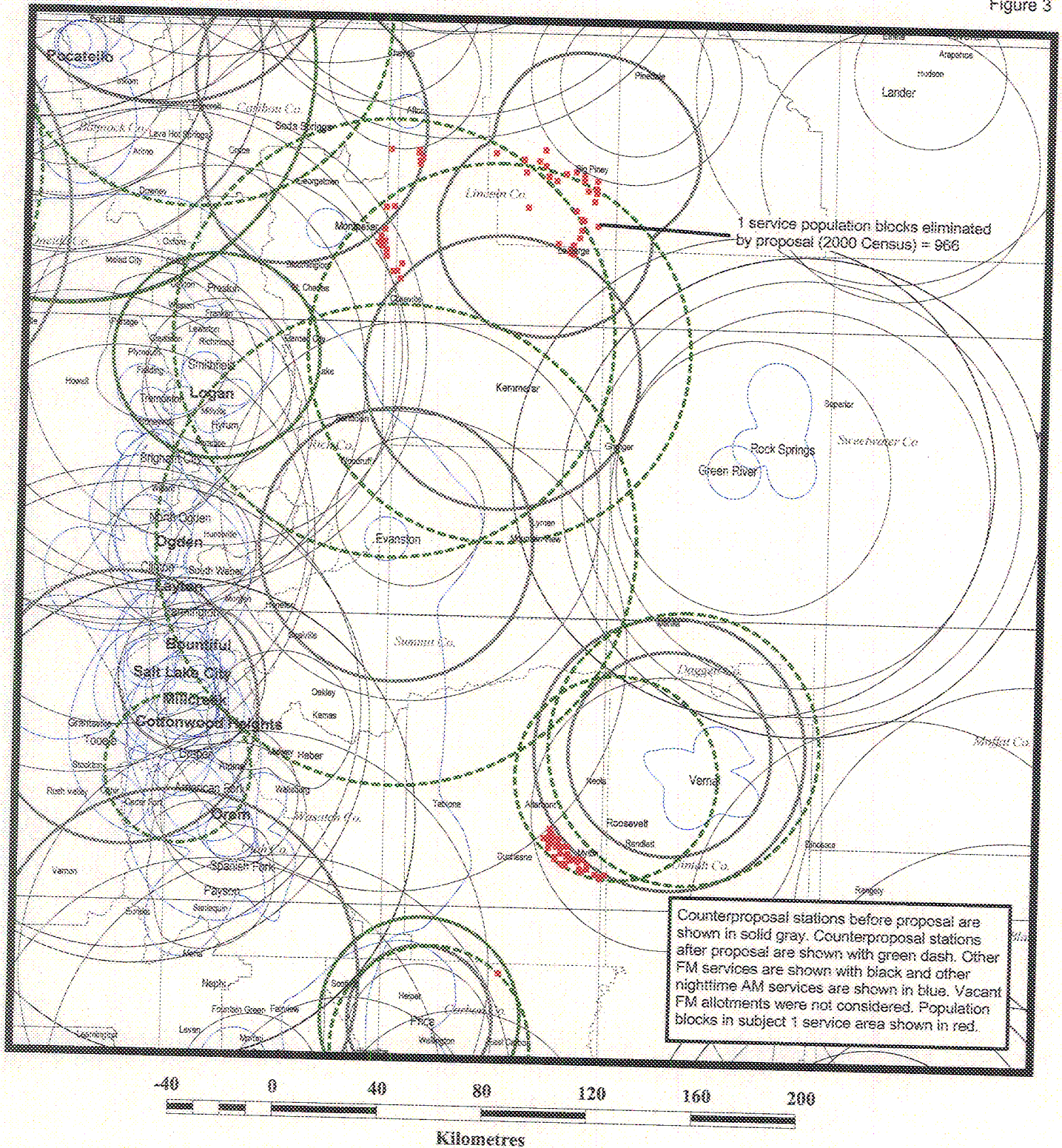
Figure 2



0 NIGHTTIME AURAL SERVICES AFTER COUNTERPROPOSAL

duTreil, Lundin & Rackley, Inc. Sarasota, Florida

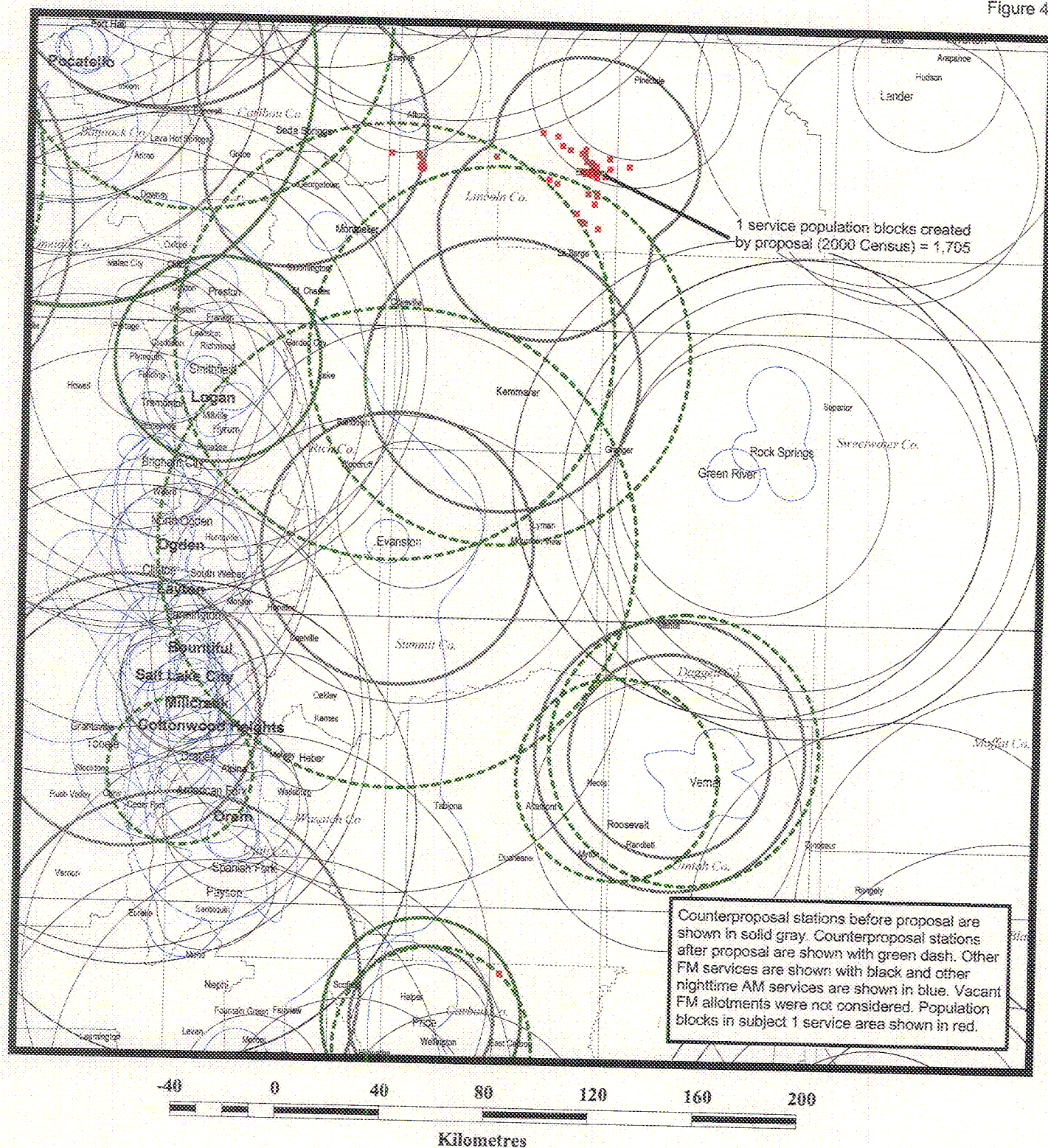
Figure 3



1 NIGHTTIME AURAL SERVICES BEFORE COUNTERPROPOSAL

duTreil, Lundin & Rackley, Inc. Sarasota, Florida

Figure 4



1 NIGHTTIME AURAL SERVICES AFTER COUNTERPROPOSAL

duTreil, Lundin & Rackley, Inc. Sarasota, Florida

TECHNICAL STATEMENT
MB DOCKET 05-243
CITICASTERS LICENSES, L.P.

Tabulation of Fulltime Stations Considered in Study of
Other Nighttime Aural Services in Subject Areas of Counterproposal

Station
AM Stations (nighttime interference-free contour)
KNRS, 570 kHz, NIF = 6.5 mV/m
KID, 590 kHz, NIF = 10.3 mV/m
KVNU, 610 kHz, NIF = 6.5 mV/m
KTKK, 630 kHz, NIF = 8.7 mV/m
KMTI, 650 kHz, NIF = 9.3 mV/m
KALL, 700 kHz, NIF = 4.5 mV/m
KOAL, 750 kHz, NIF = 10.8 mV/m
KUTR, 820 kHz, NIF = 11.3 mV/m
KWDZ, 910 kHz, NIF = 5.9 mV/m
KVEL, 920 kHz, NIF = 7.2 mV/m
KSEI, 930 kHz, NIF = 3.8 mV/m
KOVO, 960 kHz, NIF = 4.5 mV/m
KFTA, 970 kHz, NIF = 15.9 mV/m
KFTA, 970 kHz, NIF = 8.1 mV/m
KSPZ, 980 kHz, NIF = 11.6 mV/m
KSVC, 980 kHz, NIF = 14.1 mV/m
KANN, 1120 kHz, NIF = 6.8 mV/m
KSL, 1160 kHz, NIF = 0.5 mV/m
KRSV, 1210 kHz, NIF = 16.2 mV/m
KBAR, 1230 kHz, NIF = 17.8 mV/m
KJQS, 1230 kHz, NIF = 18.2 mV/m
KRXK, 1230 kHz, NIF = 20 mV/m
KEVA, 1240 kHz, NIF = 20.4 mV/m
KWIK, 1240 kHz, NIF = 19.3 mV/m
KWIK, 1240 kHz, NIF = 19.3 mV/m
KZNS, 1280 kHz, NIF = 4.6 mV/m

Figure 5
Sheet 2 of 6

Station
KLIX, 1310 kHz, NIF = 6.7 mV/m
KACH, 1340 kHz, NIF = 18.1 mV/m
KSGT, 1340 kHz, NIF = 19.9 mV/m
KRKK, 1360 kHz, NIF = 6 mV/m
KSOP, 1370 kHz, NIF = 12.1 mV/m
KLGN, 1390 kHz, NIF = 6.5 mV/m
KART, 1400 kHz, NIF = 16.5 mV/m
KSRR, 1400 kHz, NIF = 17.5 mV/m
KLO, 1430 kHz, NIF = 2.1 mV/m
KPTO, 1440 kHz, NIF = 7.3 mV/m
KEYY, 1450 kHz, NIF = 18.2 mV/m
KEZJ, 1450 kHz, NIF = 17.9 mV/m
KVSI, 1450 kHz, NIF = 21.2 mV/m
KNFL, 1470 kHz, NIF = 6.8 mV/m
KOGN, 1490 kHz, NIF = 17.8 mV/m
KRTK, 1490 kHz, NIF = 21 mV/m
KUGR, 1490 kHz, NIF = 19.5 mV/m
KMRI, 1550 kHz, NIF = 2.8 mV/m
KXTA, 1600 kHz, NIF = 11.1 mV/m
KBJA, 1640 kHz, NIF = 4.1 mV/m
KXOL, 1660 kHz, NIF = 4.5 mV/m
FM Stations
KAFM, Channel 201
KCWC-FM, Channel 201
KCWW, Channel 201
KPGR, Channel 201
KTFY, Channel 201
KWCR-FM, Channel 201
KCPW-FM, Channel 202
KNIL, Channel 202
KBSY, Channel 203
KCIC, Channel 203
KNKL, Channel 204
KEFX, Channel 205
KBYU-FM, Channel 206
KVMT, Channel 206
KAGJ, Channel 208
KLRI, Channel 208
KPRN, Channel 208
KUSR, Channel 208
KAWZ, Channel 210
KUER-FM, Channel 211
KZMU, Channel 211
KLFV, Channel 212

Figure 5
Sheet 3 of 6

Station
KUWI, Channel 212
KZJB, Channel 212
KAIO, Channel 213
KUWZ, Channel 213
KZCL, Channel 213
KCIR, Channel 214
KRCL, Channel 215
KUWX, Channel 215
KVNF, Channel 215
KBSS, Channel 216
KISU-FM, Channel 216
KSUU, Channel 216
KBSJ, Channel 217
KMSA, Channel 217
KMSA, Channel 217
KUWA, Channel 217
KBYR-FM, Channel 218
KUSU-FM, Channel 218
KBSW, Channel 219
KOHS, Channel 219
KSQS, Channel 219
KUFR, Channel 219
KPCW, Channel 220
KWRV, Channel 220
KFRZ, Channel 221
KPPC, Channel 221
KTCE, Channel 221
KXBN, Channel 221
KJYE, Channel 222
KRVQ, Channel 222
KBLQ-FM, Channel 225
KEZQ, Channel 225
KMGJ, Channel 226
KJAX, Channel 227
KUBL-FM, Channel 227
KLGL, Channel 229
KODJ, Channel 231
KSNA, Channel 232
KTPZ, Channel 232
KJEB, Channel 233
KVFX, Channel 233
KXRQ, Channel 234
KCIN, Channel 235
KHTB, Channel 235

Figure 5
Sheet 4 of 6

Station
KPKY, Channel 235
KKNN, Channel 236
KYCS, Channel 236
KECH-FM, Channel 237
KZJH, Channel 237
KYFO-FM, Channel 238
KEZJ-FM, Channel 239
KID-FM, Channel 241
KSTR-FM, Channel 241
KXRK, Channel 242
KLIX-FM, Channel 243
KQSW, Channel 243
NEW, Channel 243
KKEX, Channel 244
KQMB, Channel 244
KMTN, Channel 245
KZHT, Channel 246
KLCE, Channel 247
KDLY, Channel 248
KOAY, Channel 248
KCYQ, Channel 249
KBZN, Channel 250
KZWB, Channel 250
KAYW, Channel 251
KGTM, Channel 251
KREC, Channel 251
KSNQ, Channel 252
KAAI, Channel 253
KLLP, Channel 253
NEW, Channel 253
KBEE, Channel 254
KRSV-FM, Channel 254
KNYN, Channel 256
KTPD, Channel 256
KUPI-FM, Channel 256
KJMY, Channel 258
KQPI, Channel 258
KSIT, Channel 259
KEKB, Channel 260
KWSA, Channel 261
KSFI, Channel 262
KBYI, Channel 263
KMXD, Channel 263
KAYN, Channel 264

Figure 5
Sheet 5 of 6

Station
KMOZ-FM, Channel 264
KYMV, Channel 264
KBER, Channel 266
KPIN, Channel 266
NEW, Channel 266
KCVI, Channel 268
KEGA, Channel 268
KCHQ, Channel 270
KENZ, Channel 270
KIRQ, Channel 271
NEW, Channel 271
KDUT, Channel 272
KVUW, Channel 272
KMGI, Channel 273
KSL-FM, Channel 274
KMVX, Channel 275
KWYS-FM, Channel 275
KJQN, Channel 276
KFTZ, Channel 277
KPRU, Channel 277
KRSP-FM, Channel 278
KSKI-FM, Channel 279
KVRG, Channel 279
KGNT, Channel 280
KGNT, Channel 280
KUDE, Channel 280
NEW, Channel 280
KORR, Channel 281
KMXY, Channel 282
KSOP-FM, Channel 282
KIKX, Channel 284
KYLZ, Channel 284
NEW, Channel 284
KRYD, Channel 285
KYLZ, Channel 285
KAUU, Channel 286
KTUG, Channel 286
KDWY, Channel 287
KZKS, Channel 287
KLCY-FM, Channel 288
KTHK, Channel 288
KXRV, Channel 289
KTYN, Channel 290
KBMG, Channel 291

Station
KKMV, Channel 291
KRZX , Channel 291
KBJX, Channel 292
KOSY-FM, Channel 293
NEW, Channel 293
KYUN , Channel 294
KEGH, Channel 295
NEW, Channel 296
KKAT-FM, Channel 298
KYZK, Channel 298
KBKL, Channel 300
KUDD, Channel 300

CERTIFICATE OF SERVICE

I, C. Regina Anderson-Kemper, do hereby certify that a copy of the foregoing
**“REQUEST FOR EXERCISE OF COMMISSION STAFF DISCRETION IN MB
DOCKET NO. 05-243”** is being sent via first-class U.S. Mail, postage prepaid, this 17th day
of April, 2007, to the following:

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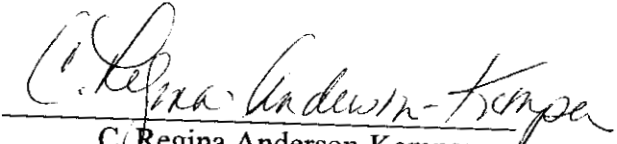
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